

GOVERNMENT OF ANDHRA PRADESH

ABSTRACT

Suits - Telugu Ganga Project - Nandyal Unit - Kurnool District - O.P.No.34/2006 - Velugodu Village and Mandal - Market Value enhanced from Rs. 7,300/- to Rs.20,000/- per acre - Final Decretal charges - Rs. 2,57,336/- Sanction - Orders - Issued.

IRRIGATION & C.A.D (PW: L.A.II) DEPARTMENT

G.O. Rt.No. 591

Dated: 09.09.2010

Read the following:

1. From the Special Collector, Srisailem Project, Kurnool Lr. Rc. A2/605/2007, Dated: 22.9.2007.
2. From the Special Chief Secretary to Government & CCLA, A.P. Hyderabad Lr.CCLA's Ref.No. S1/639/2007, Dated: 10.5.2010.

O R D E R:

The Special Chief Secretary to Government & Chief Commissioner of Land Administration, Andhra Pradesh, Hyderabad in the reference 2nd read above has stated that the Special Collector, Srisailem Project, Kurnool has submitted decretal proposals in O.P.No. 34/2006 for an amount of Rs. 2,44,180/- for an extent of Ac. 3.32 dry land acquired in Sy.No.1591 etc.,through Award No. 23/85, dated: 14.08.2005 for construction of Velugodu Balancing Reservoir under Telugu Ganga Project. The Special Deputy Collector, L.A., Telugu Ganga Project, Nandyal had acquired the dry lands in Survey No. 1591 etc. for an extent of Ac. 6.63 of Velugodu village by fixing the market value @ Rs. 7,300/- per acre through Award No. 23/85, dated: 14.08.05 for Construction of Velugodu Balancing Reservoir under T.G.P. Aggrieved by the market value fixed by Land Acquisition Officer, the awardees have filed petitions u/s 18(1) of L.A. Act with a request to refer the matter to the Civil Court for adjudication and on making references u/s 18 to the Lower Court, the Senior Civil Judge, Atmakur had delivered Judgments enhancing the market value from Rs. 7,300/- to Rs. 20,000/- per acre in OP.No. 34/2006 in addition to it, 12% Addl. Market Value on such market value from the date of 4(1) Notification to till the dated of Award i.e., 11.04.85 to 14.08.85, 30% solatium, 9% interest per annum for the first year from the date of taking possession i.e., 27.04.85 to 26.04.86 and 15% P.A. thereafter till realization on the enhanced compensation and on solatium too. Aggrieved with the market value enhanced by the Lower Court, the Special Deputy Collector, Telugu Ganga Project, Nandyal has addressed the Government Pleader for Appeals, High Court of Andhra Pradesh, Hyderabad for filing appeals in the above batch of O.P.s against the orders of the Lower Court. The Government Pleader for Appeals, High Court of Andhra Pradesh, Hyderabad, dt: 19.7.2007 has opined that there are no grounds to file appeals against the orders of Lower Court as in similar matters where the land was acquired for V.B.R., the Hon'ble High Court confirmed the orders passed by the Reference court and Supreme Court also dismissed the appeals filed by the Government in the above O.Ps and advised to comply with the orders passed by the reference court immediately so as to avoid the payment of exorbitant rate of interest.

2) In the circumstances, the Special Collector, Srisailem Project, Kurnool has submitted the proposal with revised calculation statements for an amount of Rs. 2,57,336/- and requested to recommend to the Government for sanction of the decretal charges to avoid further legal complications. The same was forwarded by the Special Chief Secretary to Government & Chief Commissioner of Land Administration, Andhra Pradesh, Hyderabad to Government for sanction.

3) After careful examination of the matter, Government hereby accord sanction for an amount of Rs. 2,57,336/- (Rupees Two Lakhs Fifty seven thousands and Three hundred thirty six only) towards final decretal charges

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in respect of O.P.No. 34/06 pertaining to Velugodu Village and Mandal, Kurnool District for an extent of Ac.3.32 acquired through Award No.23/85, dt.14.8.1985 for the purpose of construction of Velugodu Balancing Reservoir under TGP as the Market value was enhanced from Rs. 7,300/- to Rs. 20,000/- per acre, subject to verification whether the reference under Section 18(1) of the L.A. Act is made to the Lower Court after following all the guidelines/directions on the subject and in case, it is detected that section 18 reference was made contrary to the rules/guidelines issued by the Government/Chief Commissioner of Land Administration, Andhra Pradesh, Hyderabad. Immediate action should be taken to recover the loss sustained by the Government from the staff concerned and filing of restitution petition and also subject to confirmation of Chief Engineer as to the extent of land acquired. Further the Special Collector, Srisailem Project, Kurnool should verify the calculations made by the LAO, once again thoroughly with reference to the decree and instructions issued by the Government/Chief Commissioner of Land Administration, Hyderabad on the subject from time to time, before depositing the amount in the Lower court.

4) The Special Collector, Srisailem Project, Kurnool is directed to follow the directions issued by the Hon'ble High Court on 30.4.2007 in W.P. No. 2181/2005 in disbursement of the above sanctioned decretal charges to the rightful claimants in respect of O.P.No. 34/2006 for avoiding intervention of the middlemen.

5) The amount sanctioned in para (3) above shall be debitable to the following Head of Account under "4701 -COL on Major and Medium Irrigation; 01 - Major Irrigation (Commercial); MH 123 -TGP; G.H. 11-Normal State Plan; S.H. (26) D&A Works ; 530 Major Works; 532 - Lands (charged)". In case, the available budget provision is not sufficient to meet the present requirement, the expenditure may be met initially by way of advance from Contingency Fund subject to surrendering an equal amount from voted grant.

6) This orders issues with the concurrence of Finance (W&P) Department vide their U.O.No.3637/F7(A1)/10-1, Dated: 19.8.2010.
(BY ORDER IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

RAJIV RANJAN MISRA,
SECRETARY TO GOVERNMENT

To

The Special Chief Secretary to Government &
Chief Commissioner of Land Administration,
Andhra Pradesh, Hyderabad.

The Special Collector, Srisailem Project, Kurnool

The Special Deputy Collector, L.A. T.G.P. Unit-II, Nandyal

The Engineer-in-Chief, Hyderabad

The Superintending Engineer (P), Irrigation, Kurnool

The Director of works and Accounts, Hyderabad

The District Treasury Officer, Kurnool

The Joint Director, Works & Accounts, Srisailem, Kurnool

The Pay & Accounts Officer, Kurnool

Copy to

P.S. to Minister(M & MI)

Law Department/Finance (W&P) Department

P.S. to Secretary (RRM).

C.No. 12499/L.A.II/A1/2010.

Stock file/ Spare copies.

//FORWARDED BY ORDER//

SECTION OFFICER

